

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Owen, Dies, Calhoun, Spears, and Crump asked to be recorded as voting "Nay" on the final passage of S. B. No. 36.

Senate Concurrent Resolution 14 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent S. C. R. No. 14 was ordered not printed.

Senate Concurrent Resolution 15 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent S. C. R. No. 15 was ordered not printed.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 47, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Adjournment

On motion of Senator Hardeman, the Senate at 4:35 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, January 22, 1962.

Record of Votes

Senators Moffett, Colson, Patman and Krueger asked to be recorded as voting "Nay" on the motion to adjourn.

TENTH DAY

(January 22, 1962)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Martin Dies, Jr.

Communication from President Pro Tempore

The Presiding Officer laid before the Senate the following communication which was read and was filed with the Secretary of the Senate:

January 22, 1962

Senator Martin Dies, Jr.
Senate Chamber
Austin, Texas

Dear Senator Dies:

In accordance with the provisions of Senate Rule No. 6, you are hereby named to perform the duties of the Chair during my absence from the Senate or until the Senate otherwise directs.

Respectfully,
Charles F. Herring
President Pro Tempore

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Herring	Secrest
Moffett	Weinert
Roberts	

A quorum was announced present.

Reverend Eugene Dye, Associate Pastor of the Central Christian Church of Austin, Texas, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of Thursday, January 18, 1962, was dispensed with and the Journal was approved.

Leaves of Absences

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Weinert was granted leave

of absence for today on account of illness on motion of Senator Fuller.

Senator Secrest was granted leave of absence for today on account of important business on motion of Senator Calhoun.

President Pro Tempore Herring was granted leave of absence since he was Acting Governor today on motion of Senator Baker.

Senator Moffett was granted leave of absence for today on account of death of his father on motion of Senator Martin.

Messages from the Governor

The following messages received from the Governor were read and filed with the Secretary of the Senate:

Austin, Texas,
January 19, 1962.

To the Members of the 57th Legislature, Third Called Session:

As additional subjects for your consideration, I herewith submit the following legislation involving disposition of State-owned property:

1. Return of approximately 1,200 acres known as Camp Hulen in Matagorda County to the City of Palacios, in view of the abandonment of the use for which the property was given to the State. Palacios citizens acquired this land in 1924 for the 36th Division of the Texas National Guard to be used as a permanent camp site, but Camp Hulen was discontinued as a training site after World War II and there are no plans to utilize it as such in the future. The City of Palacios was especially hard hit by Hurricane Carla and is in need of this abandoned site for industrial development. The Adjutant General concurs in this recommendation provided part or all of the revenue from any future sale by Palacios shall go to the State Armory Board.

2. Authority for Southwest Texas State College to exchange certain State-owned land for property owned by the United States.

3. Authority for the State Parks Board to convey to the City of Mineral Wells certain land previously deeded to the city for limited purposes in 1951.

4. Conveyance of certain portions of the beds and banks of the Pecos and Devils Rivers underlying the

Amistad Reservoir, on application of the United States Section, International Boundary and Water Commission.

In addition to these matters, I submit these subjects:

1. Discretionary authority for a juvenile court to refer to district court those juvenile offenders 16 and over who are charged with major crimes such as murder. This was a recommendation of the Texas Law Enforcement Study Commission in 1959, and was contained in House Bill 106 passed by the House during the Regular Session.

2. An emergency appropriation to Prairie View A & M College for replacement of supplies, materials and equipment damaged or lost by fire January 9, 1962.

3. Authority for payroll deductions for investment in a county or political subdivision Employees Credit Union.

4. Authority for State-chartered banks to make real estate loans up to 75% of appraised value. The present limit is 66 2/3%, and the State Banking Commissioner recommends an increase to keep pace with new regulations for National banks.

5. Correction or clarification of election laws by: allowing payment of poll tax in the county of residence at the time of payment, without changing other residence requirements for voting in the county; providing runoffs in special elections to fill vacancies in the Legislature; amending Article 13.08a of the Election Code relating to counties of more than one million population; amending Articles 7.14 and 13.20 of the Election Code pertaining to voting machines and other voting equipment.

Respectfully submitted,

PRICE DANIEL,
Governor

Austin, Texas,
January 19, 1962.

To the Members of the 57th Legislature, Third Called Session:

I herewith submit for your consideration the subject of an amendment to Article 4623 relating to contracts of married women, as requested by members with pending legislation on this subject.

Respectfully submitted,

PRICE DANIEL,
Governor.

Senate Concurrent Resolution 17

Senator Baker offered the following resolution:

S. C. R. No. 17, Granting Oswald C. Bryan, et ux permission to sue the State of Texas.

Whereas, It is alleged that Oswald C. Bryan and wife, Inola Glass Bryan, of Houston, Harris County, Texas, have been for some 40 years the owners of a tract of land in Kerr County, Texas, located approximately four miles up the Guadalupe River from Ingram, Texas, toward Hunt, Texas, and being legally described as follows:

"A parcel of land situated in Kerr County, Texas, and being 14.3 acres out of original Sur. No. 678, W. S. Fessenden and 58.03 acres of land out of original Sur. No. 1353, J. Gregg situated about 8 miles N. 80° W. of Kerrville its county seat.

Beginning at a fence corner set for the N. W. corner of said Sur. No. 678, W. S. Fessenden,

Thence N. 0° 25' E. 1037.5 feet to a fence corner set for a N. E. corner of Sur. No. 1353, J. Gregg,

Thence N. 89° 45' W. 751 feet to a stake and mound for corner,

Thence S. 2° 30' E. 2362 feet to an iron stake set for corner,

Thence South 941 feet to an iron stake for corner,

Thence S. 22° 55' E. 436 feet to an iron stake and at 451 feet a point for corner at the waters edge of the Guadalupe River,

Thence down the river with its meanders S. 75° 08' E. 714.8 feet to the S. W. corner of the Richardson Tract out of said Sur. No. 1353, J. Gregg, as evidenced by a line of 6" iron post set in concrete and extending from the rivers edge northward along the West line of said Richardson Tract,

Thence N. 0° 30' E. 2856.5 feet to a fence corner in the North line of said Sur. No. 678, W. S. Fessenden,

Thence N. 89° 19' W. 248 feet to the place of beginning, this tract containing 72.36 acres of land";

and

Whereas, It is alleged that State Highway 39 extends some 715 feet across said tract, and that this highway was widened in the early part of 1961 from 18 to 25 feet to approximately 57 to 72 feet; and

Whereas, It is further alleged that the highway was improved and widened by the State Highway Department without consultation with or permission from the landowners and without obtaining an additional easement, thus depriving the said Oswald C. Bryan and Inola Glass Bryan of valuable property rights for which they received no compensation from the State of Texas; now therefore be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Oswald C. Bryan and wife, Inola Glass Bryan, of Houston, Texas, be and are hereby granted permission to sue the State of Texas and the State Highway Department in any court of competent jurisdiction to determine whether or not the State of Texas and/or the State Highway Department of Texas is liable for any damages for the acts herein alleged; and be it further

Resolved, That service of citation and/or all other necessary legal processes shall be served upon both the Chairman of the State Highway Commission of Texas and the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That the sole purpose of this resolution is to grant permission to the said Oswald C. Bryan and Inola Glass Bryan to bring suit against the State of Texas and/or the State Highway Department of Texas. No admission of liability or of any fact is made in any way by the passage of this resolution, but on the contrary, it is specifically provided that the facts upon which the said Oswald C. Bryan and Inola Glass Bryan seek to recover must be proved in court as in any other civil case; and be it further

Resolved, That any and all defenses which the State of Texas and/or the State Highway Department of Texas may have may be pleaded by them, and none of the defenses which the State of Texas and/or the State Highway Department of Texas may have are in any way waived by the passage of this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Message from the Acting Governor

The following message received from the Acting Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
January 22, 1962.

To the Members of the Fifty-seventh Legislature, Third Called Session:

I am sure the people of Texas are proud of members of the 57th Legislature who were called into session to meet many serious problems. They have acted in a competent manner on most of the legislation submitted in the Governor's call, and are working to complete their task as expeditiously as possible.

I would like to commend members of the Legislature for their fine record this session, and to assure them of my continued cooperation. Their friendship is important to me and I am proud to be associated with such a fine group of men.

Respectfully submitted,
CHARLES F. HERRING,
Acting Governor of
Texas

Senate Resolution 39

Senator Patman offered the following resolution:

Whereas, Upon this date a distinguished member of the Texas State Senate, Charles Ferguson Herring, is serving as the highest officer in our great Lone Star State; and

Whereas, To those of us who have had the honor and privilege of serving with Senator Herring, few who have occupied this great office have equalled, and none has surpassed his outstanding character, ability, and integrity; and

Whereas, During these last several weeks the members of the Senate have deeply appreciated the fair and impartial manner with which he presides as President Pro Tempore over this body, and his service shall always be remembered as an example of great power used with considerate gentleness, yet applied in strict observance of justice and right; and

Whereas, It has been the further honor of this Senate to have known the gracious and charming wife of

the Senator from Travis, Doris Wallace Herring, and we do wish to extend to her and the other members of his lovely family our sincere congratulations and best wishes on this occasion; now, therefore, be it

Resolved, By the Senate of Texas that we do congratulate the distinguished Senator from Travis and his splendid family on this occasion which brings high honor to both them and our great State.

PATMAN
DIES
OWEN

Signed—Aiken, Baker, Calhoun, Colson, Creighton, Crump, Fuller, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Parkhouse, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Spears, Weinert, Willis.

The resolution was read.

On motion of Senator Krueger and by unanimous consent the names of the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Message from the House

Hall of the House of Representatives

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 39, An Act amending paragraph (c) of Section 2 of Chapter 88, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (compiled as Article 6675a-2, Vernon's Texas Civil Statutes), so as to provide that owners of certain construction machinery used for certain purposes and under certain conditions although required to register shall pay an annual registration fee of Five Dollars (\$5) instead of the regular registration fee; and declaring an emergency.

The House has concurred in Senate amendments to House Bill No. 11 by vote of 109 ayes, 14 noes.

The House has concurred in Senate amendments to House Bill No. 12 by vote of 130 ayes, 1 no.

H. B. No. 8, An Act making an appropriation out of the General Revenue Fund to the Texas Youth Council for parole supervision; and declaring an emergency.

S. C. R. No. 12, Relating to the construction of a new Union Center Building at East Texas State College.

S. C. R. No. 13, Authorizing the Engrossing and Enrolling Clerk of the Senate to make any needed technical, non-substantive changes in S. B. No. 1.

S. B. No. 19, An Act creating a Court of Domestic Relations for Tarrant County, Texas; fixing the jurisdiction; conforming the jurisdiction of other courts thereto; fixing its term; providing the manner of selection, tenure and compensation of the judge and other officers of said Court; etc., and declaring an emergency.

With amendments.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of
Representatives.

Reports of Standing Committees

Senator Krueger submitted the following report:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 71, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senator Hardeeman submitted the following reports:

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 17, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 11, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 7, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 46, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 69, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 38, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,

January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 5, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that Committee Substitute adopted in lieu thereof do pass and be printed.

HARDEMAN, Chairman.

C. S. S. B. No. 5 was read first time.

Senator Aikin submitted the following report:

Austin, Texas,

January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 72, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Message from the House

Hall of the House of Representatives

Austin, Texas,

January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 5, Directing the Texas Commission on State and Local Tax Policy to make a comprehensive study of proposed or prospective changes in the Texas Limited Sales, Excise and Use Tax and to render to the Governor and to the Fifty-eighth Legislature a written report on its findings, conclusions and recommendations.

H. C. R. No. 8, Providing for the establishment of an interim committee to make a study of screwworm

eradication and to make reports and recommendations to the Regular session of the Fifty-eighth Legislature.

H. C. R. No. 12, Granting permission to Sam McCollum III to sue the State of Texas and the Veterans Land Board.

H. C. R. No. 19, Granting permission to Mrs. Annie Lou Stapleton to sue the State of Texas.

H. B. No. 52, A bill to be entitled "An Act validating all school districts, including all types of junior and regional college districts, together with the boundaries and names thereof; validating the creation, abolition, and conversion of all such school districts, and all changes in boundaries in all such school districts; validating the annexation of territory and the divorcement or separation from municipal control in all municipally controlled school districts; validating all bonds, bond taxes, maintenance taxes, and bond assumptions and the elections authorizing same, of and in all school districts, including all types of junior and regional college districts; providing this Act shall not be construed as validating any boundary change made or attempted to be made by any ex parte order, resolution, or other Act of the Board of Trustees of any school district; providing that this Act shall have no application to litigation now pending questioning the validity of matters hereby validated, or to proceedings now pending before the County Boards of Education, State Commissioner of Education, or the State Board of Education, or to any district which has heretofore been declared invalid by certain courts, or to districts which may have been established and later returned to original status, providing such litigation or proceedings are ultimately determined against the validity of matters hereby validated; providing a saving clause; and declaring an emergency."

H. B. No. 44, A bill to be entitled "An Act making an appropriation from the General Revenue Fund to the Unemployment Compensation Clearance Account, Fund No. 936, for the purpose of reimbursing the Unemployment Compensation Clearance Account for warrants voided and erroneously transferred to the

credit of the General Revenue Fund; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bills on First Reading

By unanimous consent the following bills were introduced, read first time and referred to the committees indicated:

By Senators Krueger, Crump and Herring:

S. B. No. 78, A bill to be entitled "An Act amending Section 10 of the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the 43rd Legislature 1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the 46th Legislature (1939), page 1048, by Chapter 61, Acts of the Regular Session of the 51st Legislature (1949), page 101, and by Chapter 165, Acts of the Regular Session of the 54th Legislature (1955), page 532, and by Chapter 327, Acts of the Regular Session of the 56th Legislature (1959), page 708, so as to authorize the Lower Colorado River Authority to sell bonds to the United States of America, or to any agency or corporation created or designated by the United States of America; to acquire, install, or construct, and to operate a steam plant located within the boundaries of the District to serve the area now being served by Lower Colorado River Authority; and providing rights and powers of bondholders in event of default; re-enacting the remainder of said Section 10 without change; containing a severability clause; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Creighton:

S. B. No. 79, A bill to be entitled "An Act validating Wise County Water Control and Improvement District No. 1; validating the boundaries of said District; validating all actions, orders, or other proceedings in connection with its creation, organization and operation; validating all actions, orders, or other proceedings relating to the calling, conducting and declaring the results of any confirmation election, or bond election; validating all bonds heretofore

voted; validating the appointment or election of Directors and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hardeman:

S. B. No. 80, A bill to be entitled "An Act to amend H. B. No. 261, Acts, 57th Leg., R. S., 1961, Ch. 274, relating to the filing of rules and regulations of state administrative agencies, declaring all rules, regulations and orders in effect on or issued by State agencies after August 31, 1961, and prior to the effective date hereof to be valid although certified copies thereof were not filed with the Secretary of State; providing for severability; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Hardeman and Herring:

S. B. No. 81, A bill to be entitled "An Act to carry into effect Section 62, Subsection a, Article XVI, of the Constitution of Texas, relating to establishment of a retirement, disability, and death compensation fund for officers and employees of the state, by providing such benefits to elective state officials holding office in this state."

To the Committee on State Affairs.

By Senators Willis, Hardeman, Spears and Krueger:

S. B. No. 82, A bill to be entitled "An Act amending Article 240 of the Penal Code of Texas, 1925; making it unlawful for any person who has voted in a first primary election of one party to vote or offer to vote in a first primary election of another party held on the same day or to vote in a second or run-off primary election of the other party growing out of and succeeding such first primary election, and also making it unlawful for any person who votes in a convention of one political party to vote or offer to vote in a convention of another political party held on the same day, and prescribing a penalty therefor; providing for severability; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Spears:

S. B. No. 83, A bill to be entitled

"An Act amending the Election Code of Texas, enacted by Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, by adding thereto a new article providing for special elections for State Representative and State Senator; and that election of such offices be by majority vote; prescribing procedures for holding such election, canvassing votes, making returns, and certification of election; amending Section 2 of Article 32a of the Election Code of Texas, codified as Section 2 of Article 4.10, Vernon's Texas Election Code, so as to increase the filing fee of candidates in special elections for the office of Representative and Senator of the Legislature, and Congressman-at-Large; amending Section 4 of Article 32a of the Election Code of Texas, codified as Section 4 of Article 4.10, Vernon's Texas Election Code, so as to require party designation on the ballot; amending Section 186a of the Election Code of Texas, added by Section 1 of Chapter 494, Acts of the 55th Legislature, Regular Session, 1957, codified as Article 13.08a, Vernon's Texas Election Code, so as to permit the county executive committee of certain counties to require of candidates for the office of Representative or Senator of the Legislature, to pay amounts not to exceed Three Hundred Dollars (\$300) as a prerequisite to the placing of their names upon the ballot in a primary election; amending Article 211 of Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, codified as Article 13.33, Vernon's Texas Election Code, as to determination of the number of signatures required for referendum in certain instances; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Spears:

S. B. No. 84, A bill to be entitled "An Act amending Article 182A, Acts 1951, 52nd Leg., Page 1097, Chapter 492, as amended by Acts 1954, 53rd Leg., First Called Session, Page 85, Chapter 36, Section 1, codified as Article 13.04A, Vernon's Texas Election Code, by changing the provision relating to counties having a population in excess of eight hundred thousand (800,000) inhabitants to apply to counties having a population in excess of six hundred thousand (600,-

000) inhabitants; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senators Colson and Krueger:

S. B. No. 85, A bill to be entitled "An Act appropriating funds out of the General Revenue Fund to Prairie View A. and M. College for repair or replacement of property losses from fire; and declaring an emergency."

To the Committee on Finance.

By Senator Baker:

S. B. No. 86, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59 of Article XVI, Constitution of Texas, to be known as 'Memorial Villages Water Authority'; prescribing the area and powers of the Authority; providing that a confirmation election or hearing on exclusion of lands or a hearing on adoption of the plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used; providing for a Board of Supervisors to control and exercise the powers of the Authority; providing that the Authority shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; prescribing its rights, powers, privileges, and duties; making the Authority's bonds eligible for certain investments and to secure the deposit of public funds; exempting the Authority and its bonds from taxation; containing other provisions relating to the subject; enacting a savings clause; declaring the Authority essential; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Martin:

S. B. No. 87, A bill to be entitled "An Act amending Sections 3, 5, 6, 12, 13 and 14 and 17, of Senate Bill 44, Acts of the 48th Legislature, Regular Session, 1943, Chapter 204, Page 313, as amended, codified in Vernon's as Article 2338-1, Vernon's Civil Statutes; providing for transfers of certain cases in juvenile courts from the jurisdiction of juvenile courts to the jurisdiction of the other courts in this state; providing that certain delinquent children shall be subject to the penal laws and criminal prosecution the same as if they were adults; prescribing the power, authority and

jurisdiction of juvenile courts; prescribing the power, authority and duties of various State agencies handling delinquent children; making other provisions relating thereto; providing a repealing clause; providing a severability clause and declaring an emergency."

To the Committee on Jurisprudence.

Reports of Standing Committees

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 82, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 79, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 84, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senate Bill 71 Ordered Not Printed

On motion of Senator Patman and by unanimous consent S. B. No. 71 was ordered not printed.

Senate Bill 79 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent S. B. No. 79 was ordered not printed.

Senate Bill 84 Ordered Not Printed

On motion of Senator Spears and by unanimous consent S. B. No. 84 was ordered not printed.

Senate Bill 72 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent S. B. No. 72 was ordered not printed.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 39, To the Committee on Counties, Cities and Towns.

H. B. No. 8, To the Committee on Finance.

Senate Bill 12 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment S. B. No. 12. (Senate Bill No. 12 having been read second time on Monday, January 15, 1962.)

Question—Shall S. B. No. 12 be passed to engrossment?

Senator Krueger moved to re-commit S. B. No. 12 to the Committee on Jurisprudence.

Senator Ratliff moved to table the motion by Senator Krueger to re-commit S. B. No. 12.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—10

Aikin	Patman
Calhoun	Ratliff
Colson	Rogers
Creighton	Smith
Dies	Willis

Nays—15

Baker	Hazlewood
Crump	Hudson
Fuller	Kazen
Hardeman	Krueger

Martin
Moore
Owen
Parkhouse

Reagan
Schwartz
Spears

Absent

Lane

Absent—Excused

Herring
Moffett
Roberts

Secrest
Weinert

Question recurring on the motion to recommit S. B. No. 12 to the Committee on Jurisprudence, the motion prevailed.

Record of Votes

Senators Ratliff, Willis and Patman asked to be recorded as voting "Nay" on the motion to recommit S. B. No. 12 to the Committee on Jurisprudence.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 39, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 86, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senate Bill 86 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent S. B. No. 86 was ordered not printed.

Senate Bill 3 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business to take up S. B. No. 3 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up S. B. No. 3 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Moore
Baker	Owen
Colson	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Rogers
Hudson	Schwartz
Kazen	Smith
Krueger	Spears
Martin	Willis

Nays—6

Calhoun	Hardeman
Creighton	Lane
Crump	Parkhouse

Absent—Excused

Herring	Secrest
Moffett	Weinert
Roberts	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 3, A bill to be entitled "An Act making certain appropriations out of the General Revenue Fund to the State Highway Department for advertising tourist attractions in Texas and to the Texas Youth Council for additional parole supervisors and officers and operating expenses; out of the unexpended balances in the Special Mineral Lease Fund to the Department of Corrections for emergency purposes; out of the State Building Fund to the State Building Commission for renovation and repair of the San Jacinto Monument; and declaring an emergency."

The bill was read second time.

Senator Reagan offered the following Committee Amendment to the bill:

Amend S. B. No. 3 by striking out all below the enacting clause and substituting the following:

Section 1. For the fiscal year beginning September 1, 1962, there is hereby appropriated to the State Highway Department the sum of Two Hundred Thousand Dollars (\$200,000) from the General Revenue Fund which may be expended by the Highway Department for the purchase of advertising space or time pursuant to the purposes stipulated by Section 3 of Chapter 193, Acts, 1959, Fifty-sixth Legislature (codified in Vernon's Civil Statutes as Article 6144e).

Sec. 2. Upon the effective date of this Act, there is hereby appropriated to the State Board of Control the sum of Seventy-five Thousand Dollars (\$75,000) from the General Revenue Fund for the purposes of repairing and restoring the San Jacinto Monument.

Sec. 3. For emergency purposes only, there is also hereby appropriated from the Mineral Lease Fund (No. 272) to the Department of Corrections any moneys over and above the amounts appropriated by S. B. No. 1, Acts, 1961, Fifty-seventh Legislature, First Called Session, which additional moneys may be expended only upon the prior, written approval of the Governor after obtaining the advice of the Legislative Budget Board; provided, however, that this appropriation of such additional moneys shall cease to be effective as of September 1, 1963. Emergency purposes as used in this section shall mean and include only unforeseeable conditions as disasters from weather conditions, fire or other uncontrollable circumstances; and abnormal increases in inmate population exceeding 12,600 during the 1962 fiscal year and 12,350 inmates during the 1963 fiscal year.

Sec. 4. Notwithstanding other provisions of law, any of the moneys appropriated to the Board of Medical Examiners by S. B. No. 1, Acts, 1961, Fifty-seventh Legislature, First Called Session, item No. 5, for each of the fiscal years of the biennium beginning September 1, 1961, may also be expended for the payment of witness fees and other court costs as required by law.

Sec. 5. There is also hereby appropriated out of the Special Game and Fish Fund for the period beginning with the effective date of this Act and ending August 31, 1963 to the Game

and Fish Commission the sum of Seventy Thousand Dollars (\$70,000) for the construction of a building at Seabrook to house marine and chemical laboratories, and the additional sum of Nine Thousand Six Hundred Dollars (\$9,600) for the payment of rental of regional office space in Houston and of temporary field office space in Seabrook. In order to facilitate the Comptroller's certification of the sums appropriated by this section as being within the resources of said Special Game and Fish Fund, it is further provided that the payment of refunds of the cost of sand, shell, and gravel as authorized by Article 4054, R.C.S. 1925, is hereby limited to the sum of Five Hundred Thousand Dollars (\$500,000) for each year of the biennium beginning September 1, 1961; and, notwithstanding other provisions of law, the acceptance by the Game and Fish Commission of Federal grants and allotments is hereby limited to the sum of One Million Dollars (\$1,000,000) for each year of the biennium beginning September 1, 1961.

Sec. 6. The need to reverse the declining trend in numbers of tourists visiting Texas in order to improve the economic condition of this State, and the importance of making supplementary appropriations for the repair or replacement of State facilities destroyed or damaged by Hurricane Carla, together constitute an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was read.

Senator Baker offered the following amendment to the pending Committee Amendment:

Amend Amendment No. 1 to S. B. No. 3, Sec. 2, by changing the words and figures \$75,000.00 to \$156,500.00.

The amendment was read.

Senator Reagan moved to table and yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Aikin

Calhoun

Creighton	Moore
Crump	Owen
Dies	Patman
Fuller	Ratliff
Hazlewood	Reagan
Hudson	Smith
Kazen	Spears
Lane	Willis
Martin	

Nays—7

Baker	Parkhouse
Colson	Rogers
Hardeman	Schwartz
Krueger	

Absent—Excused

Herring	Secrest
Moffett	Weinert
Roberts	

Senator Willis offered the following amendment to pending Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill No. 3 by inserting the following new Sec. 2 immediately after Section 1, and renumbering the following sections in proper sequence:

Sec. 2. For the fiscal year ending August 31, 1963, there is hereby appropriated out of the General Revenue Fund to the Texas Youth Council the sum of Sixty-five Thousand Dollars (\$65,000) for the purpose of providing ten additional juvenile parole officers at annual salary rates not to exceed \$5,400 each, for the payment of other clerical and stenographic positions at salary rates not to exceed those stipulated for such positions in said Youth Council in S. B. No. 1, Acts, 1961, 57th Legislature, First Called Session, and for the payment of professional fees, travel, rentals, consumable supplies and materials, current and recurring operating expenses, and capital outlay. It is further provided that out of the appropriation herein made, the Texas Youth Council may increase the annual salary rate set out in said S. B. No. 1 for the Director of Juvenile Parole by not to exceed \$1,200 a year so as to create a gross annual salary rate for said position of not to exceed \$8,400 a year.

The amendment was read.

Senator Reagan moved to table the amendment and yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Aikin	Lane
Calhoun	Moore
Creighton	Owen
Crump	Patman
Dies	Ratliff
Hardeman	Reagan
Hazlewood	Rogers
Hudson	Smith
Krueger	

Nays—9

Baker	Parkhouse
Colson	Schwartz
Fuller	Spears
Kazen	Willis
Martin	

Absent—Excused

Herring	Secrest
Moffett	Weinert
Roberts	

Senator Parkhouse offered the following amendment to pending Committee Amendment:

Amend Committee Amendment No. 1 by striking out all of Section One (1) and renumbering the remaining sections.

The amendment was read.

Senator Spears offered the following substitute for the amendment by Senator Parkhouse to the pending Committee Amendment:

Amend the Committee Substitute to S. B. 3 by striking the words "Two Hundred Thousand Dollars (\$200,000)" and substitute in lieu thereof the following "Three Hundred Thousand Dollars (\$300,000)" in Section 1.

The substitute amendment was read.

Senator Parkhouse moved to table the substitute amendment.

The motion to table prevailed.

Senator Reagan moved to table the amendment by Senator Parkhouse.

The motion to table prevailed.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on motion to table the above amendment.

Senator Colson offered the following amendment to pending Committee Amendment:

Amend Committee Amendment No. 1 by adding another section to said amendment to read as follows:

"Amend Section 3 of Senate Bill No. 3 by striking out the word 'and' after the semicolon on line 39 of the printed bill, changing the period at the end of the paragraph on line 41 to a semicolon and inserting the following:

"and the supplementation of the salaries of the Director, Department of Corrections and the Assistant Director—Business and Custody, provided, however, that the salaries with supplementation shall not exceed Twenty-Two Thousand Five Hundred Dollars (\$22,500) per year for the Director and Fifteen Thousand Dollars (\$15,000) per year for the Assistant Director—Business and Custody."

The amendment was read.

Senator Reagan moved to table the amendment.

The motion to table prevailed.

Senator Willis offered the following amendment to pending Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill No. 3 by adding the following new Sec. 2 immediately after Section 1 and renumbering the following sections in proper sequence:

"Sec. 2. In addition to the appropriations made to the State Board of Barber Examiners by Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, there is hereby appropriated out of the Barber Examiners Fund the sum of Seven Thousand, One Hundred Eighty-Five Dollars and Twenty-Eight Cents (\$7,185.28) for the fiscal year ending August 31, 1962, and the sum of Eight Thousand, Four Hundred Dollars (\$8,400) for the fiscal year ending August 31, 1963, for the purpose of paying travel expenses of board members and the executive secretary.

In addition to the appropriations made to the State Board of Barber Examiners by Senate Bill No. 1, Acts of the 57th Legislature, First Called Session, 1961, there is hereby appropriated out of the Barber Examiners Fund the sum of One Thousand, Eight

Hundred Sixty Dollars (\$1,860) for the fiscal year ending August 31, 1962, and the sum of Two Thousand, One Hundred Dollars (\$2,100) for the fiscal year ending August 31, 1963, for the purpose of paying board members per diem at the rate of Fifteen Dollars (\$15) per day per member."

The amendment was read.

Senator Reagan raised a point of order that the amendment offered by Senator Willis was not germane because it is not within the caption of the bill.

The Presiding Officer (Senator Dies in the Chair) sustained the Point of Order.

Senator Aikin offered the following amendment to pending Committee Amendment:

Amend Amendment No. 1 by striking out the following words in lines 5 and 6 of Section 3 "after obtaining the advice of the Legislative Budget Board."

**AIKIN
HARDEMAN**

The amendment was read and was adopted.

The Committee Amendment as amended was then adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the Committee Amendment.

Senator Reagan offered the following committee amendment to the bill:

Amend the caption of S. B. No. 3 to read as follows:

S. B. No. 3, A bill to be entitled "An Act making supplemental appropriations of \$200,000 to the State Highway Department for tourist advertising, \$75,000 to the Board of Control for repairing the San Jacinto Monument, appropriating the unappropriated balance in the Mineral Lease Fund to the Department of Corrections for emergency purposes only, and appropriating \$79,600 to the Game and Fish Commission for replacing the laboratory building at Seabrook and for the payment of rentals for office space; broadening the purposes for which prior appropriations to the Board of Medical

Examiners may be expended; and declaring an emergency."

The committee amendment was read and was adopted.

The bill as amended was passed to engrossment.

Motion to Place Senate Bill 3 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 3 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—20

Aikin	Martin
Baker	Owen
Colson	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Rogers
Hudson	Schwartz
Kazen	Smith
Krueger	Spears
Lane	Willis

Nays—6

Calhoun	Hardeman
Creighton	Moore
Crump	Parkhouse

Absent—Excused

Herring	Secrest
Moffett	Weinert
Roberts	

Bill and Resolution Signed

The Presiding Officer (Senator Dies in the Chair) signed in the presence of the Senate after the captions had been read, the following enrolled bill and resolution:

H. B. No. 11, A bill to be entitled "An Act appropriating from the General Revenue Fund One Hundred and Fifty Thousand Dollars for the expenses of the Senate, and Two Hundred and Fifty Thousand Dollars for the expenses of the House of Representatives, for the Third Called Session of the 57th Legislature; designating the provisions, procedures, and purposes for the expenditures of such

appropriations; and declaring an emergency."

Subject to the provisions of Section 49A of Article III of the Constitution of Texas.

H. C. R. No. 15, In memory of victims of a C-119 plane crash in Canada.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 1 by non-record vote.

H. B. No. 56, A bill to be entitled "An Act authorizing establishment of Rehabilitation districts to provide education, training, special services and guidance for handicapped persons; providing for its financing and administration; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the committees indicated:

H. B. No. 52, To the Committee on Counties, Cities and Towns.

H. C. R. No. 5, To the Committee on State Affairs.

H. C. R. No. 8, To the Committee on Counties, Cities and Towns.

H. C. R. No. 12, To the Committee on Jurisprudence.

H. C. R. No. 19, To the Committee on Jurisprudence.

H. B. No. 44, To the Committee on Finance.

H. B. No. 56, To the Committee on State Affairs.

Senate Bill 82 Re-committed

Senator Hudson moved that S. B. No. 82 be re-committed to the Committee on Jurisprudence. Yeas and nays were demanded.

The motion to re-commit S. B. No. 82 prevailed by the following vote:

Yeas—19

Aikin	Krueger
Calhoun	Lane
Creighton	Martin
Crump	Moore
Dies	Owen
Fuller	Parkhouse
Hardeman	Reagan
Hazlewood	Schwartz
Hudson	Smith
Kazen	

Nays—6

Baker	Rogers
Patman	Spears
Ratliff	Willis

Absent

Colson

Absent—Excused

Herring	Secrest
Moffett	Weinert
Roberts	

Reports of Standing Committees

Senator Hudson by unanimous consent submitted the following report:

Austin, Texas,
January 22, 1962.

Hon Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to whom was referred S. B. No. 35, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HUDSON, Chairman.

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred H. C.

R. No. 12, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

**House Concurrent Resolution 12
Ordered Not Printed**

On motion of Senator Crump and by unanimous consent H. C. R. No. 12 was ordered not printed.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas.
January 22, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 52, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Bill Signed

The Presiding Officer (Senator Dies in the Chair) signed in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 12, A bill to be entitled "An Act amending Paragraphs (1) through (11), both inclusive, and Paragraphs (15) and (16) of Section One (1) of Chapter 357, Acts of the 53rd Leg., Regular Session, 1953; changing the name of the Board of Water Engineers to the Texas Water Commission and prescribing certain duties, powers and functions thereof; providing for the appointment of a Chief Engineer and prescribing his duties, powers and functions; enacting other provisions in regard to the administration of the water resources of the State: providing a savings clause; and declaring an emergency."

Motion to Adjourn

Senator Parkhouse moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow and Yeas and Nays were demanded.

The motion was lost by the following vote:

Yeas—7

Calhoun	Martin
Crump	Parkhouse
Hardeman	Rogers
Lane	

Nays—19

Aikin	Moore
Baker	Owen
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Fuller	Schwartz
Hazlewood	Smith
Hudson	Spears
Kazen	Willis
Krueger	

Absent—Excused

Herring	Secrest
Moffett	Weinert
Roberts	

Motion to Place

Senate Bill 3 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 3 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—19

Aikin	Dies
Baker	Fuller
Colson	Hazlewood

Hudson	Ratliff
Kazen	Reagan
Krueger	Schwartz
Martin	Smith
Moore	Spears
Owen	Willis
Patman	

Nays—7

Calhoun	Lane
Creighton	Parkhouse
Crump	Rogers
Hardeman	

Absent—Excused

Herring	Secrest
Moffett	Weinert
Roberts	

Welcome Resolutions

S. R. No. 38—By Senator Schwartz: Extending welcome to 30 pupils of the Texas History Class, teachers and sponsors of Booker T. Washington School of Texas City.

S. R. No. 40—By Senator Krueger: Extending welcome to Mr. Walter Coldaway, Manager of the Yoakum Chamber of Commerce.

Memorial Resolution

S. R. No. 37—By Senator Willis: Memorial resolution for Mr. J. Mac Thompson.

Adjournment

On motion of Senator Martin the Senate at 1:03 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

In Memory of Oscar Byron Ellis

Senator Colson offered the following resolution:

(Senate Resolution 36)

Whereas, On November 12, 1961, Texas lost one of its finest public officials and one of the world's most outstanding penologists in the sudden and untimely death of Oscar Byron Ellis, Director of the Texas Department of Corrections; and

Whereas, After becoming head of Texas' penal system in January, 1948, he began the job of converting what was described as one of the worst prison systems in the Nation into one of the most modern and reputable; and

Whereas, Among the expressions of recognition and commendation which came for Mr. Ellis' work was an article in the December, 1959 issue of Reader's Digest entitled "A Prison Boss as Good as His Word," and authorities in the field have ranked the Texas Department of Corrections as one of the top three in the nation, sharing honors with the Federal Prison System and the California Department of Corrections; and

Whereas, Born in Oneonta, Alabama on August 27, 1902, Mr. Ellis was a 1924 graduate of Birmingham Southern College, Birmingham, Alabama, where he was a star football player; and

Whereas, After graduate work at the University of Tennessee, he was associated with the Florsheim Shoe Company as its representative in Chicago, Illinois and Memphis, Tennessee until 1927, at which time he went to Messick High School in Memphis, as football coach and science teacher. In 1928, he became financial secretary to the Shelby County, Tennessee, Board of Education, and in 1936 he was named Business Manager of the Memphis City Schools; and

Whereas, He later served as County Health Commissioner, and in 1937, at the age of 34, he became the youngest man ever elected a Shelby County Commissioner. Three years later he was named head of the Shelby County Penal Farm and his management of this institution attracted nationwide attention, thus beginning a distinguished career as a prison administrator; and

Whereas, When he came to Texas in 1948, Governor Beauford Jester had just begun a drive for complete renovation of the prison system, and after the Governor's death, Mr. Ellis carried on by winning the support and confidence of succeeding governors and legislators so that today the Texas Department of Corrections is regarded as a model of excellence and stands as a living memorial to his life and leadership; and

Whereas, In his 13 years as director of the System, it annually increased the cotton, food and other products from its 83,000 acres of farmland and provided more prisoner necessities and State required items at less unit cost, which resulted in lowering the per inmate cost to the taxpayer to one of the lowest in the nation; and

Whereas, This was only secondary and a means to an end for Mr. Ellis—it was his vehicle for taking persons convicted of crimes and restoring them to good and productive citizenship; and

Whereas, Firm but fair, he was loved and respected by the prison inmates and was known to them as "The Big Boy"; he walked unarmed among them and talked with them to learn their problems; and

Whereas, Another plaudit earned by Mr. Ellis was the title, "Man of the Month," conferred by the East Texas Chamber of Commerce Magazine in which it stated " 'Architect of Rebuilt Lives' would be an appropriate title or degree to confer upon O. B. Ellis"; and

(Continued on next page)

Whereas, As an enduring reminder of his great ability and accomplishments, the Texas Board of Corrections has issued an official proclamation naming the newly-acquired 8,000-acre Smither Farm near Huntsville the "Ellis Unit" in his memory, and it is being designed as one of the most modern prison units in the world, incorporating all the ideals held by the late Director, including work, study, recreation and religion; and

Whereas, His worthwhile affiliations were many and varied, including the First Methodist Church of Huntsville, Texas, the American Red Cross, Omicron Delta Kappa Fraternity, the Huntsville-Walker County Chamber of Commerce, the Rotary Club, Southern States Prison Association, of which he was a past president and the American Correctional Association, which he served as vice president from 1954 to 1958 and president in 1958-1959; a Master Mason, a Scottish Rite Mason and an Arabia Temple Shriner; and

Whereas, Symbolic of his humanitarianism, his sterling Christian character and his work as a dedicated Methodist layman, The Board of Trustees of Southwestern University, Georgetown, Texas, honored Mr. Ellis just three days before his death by electing him to the honorary degree of Laws, to be conferred at the commencement exercises on May 27, 1962; and

Whereas, By any standard of measurement, O. B. Ellis was a great man and his life and works will serve as a shining example to those who would serve the public well; now, therefore, be it

Resolved, That the Senate of the Third Called Session of the 57th Legislature of the State of Texas recognize and pay tribute to O. B. Ellis who dedicated his life to helping the unfortunate and to his achievements in behalf of the State of Texas, to his integrity, his sense of duty, his firm and fair dealing with the prisoners who were his responsibility, and to his vision and philosophy which inspired and won respect from all who knew him; that we express appreciation for his invaluable services by directing that a page in the Journal be set aside as a memorial to him; and, be it further

Resolved, That we extend our sincere and heartfelt sympathy to his esteemed family; that official copies of this resolution be sent to his wife, Mrs. Gertrude Tidwell Ellis, Huntsville, Texas; to his son, John T. Ellis, Lufkin, Texas; to his father, John W. Ellis, Oneonta, Alabama; and to his sister, Mrs. John Denton, Tuscumbia, Alabama; and that when the Senate adjourns today, it do so in solemn tribute to Oscar Byron Ellis, whose words and deeds will live long in the memory of this State and in the hearts of the thousands of individuals whose lives were made finer because of his devotion and zeal to service for humanity.

COLSON

Signed—Charles F. Herring, President Pro Tempore; Aikin, Baker, Calhoun, Creighton, Crump, Dies, Fuller, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Spears, Weinert, Willis.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the President Pro Tempore and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.